

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the United States Patent Application of :
:
Applicants: Christian Kropf, :
Ulrike Brüninghaus, :
Amerigo Pastura, :
Michael Meinders, :
Peter Wülknitz, :
Rolf Hempelmann and :
Marcel Roth : Examiner: Lezah Roberts
:
Application Serial No. 09/868,379 : Art Unit: 1612
Filing Date: 08/15/2001 :
Confirmation No. 8884 :
Continuation of International Application :
No. PCT/EP99/09683, filed 12/09/1999 :
Claiming German priority of :
Application No. 198 53 662.0, filed 12/18/1998 :

Title: FINE SUSPENSIONS OF POORLY SOLUBLE CALCIUM SALTS AND THEIR USE IN DENTAL CARE PRODUCTS

Petition for Extension of Time Under 37 C.F.R. Section 1.36(a)

On January 7, 2009, the United States Patent and Trademark Office issued a Final Office Action. In the Action the Examiner set a shortened statutory deadline of three months, *i.e.*, to April 7, 2009. Applicants request an extension of time of two months, to June 7, 2009. The \$490.00 extension fee is being paid by credit card during the electronic filing procedure.

Authorization To Charge Deposit Account

Applicants' Amendment and Response is to a Final Office Action. A Request for Continued Examination is being filed electronically. In addition, Applicants have requested an extension of time of two months. The \$810.00 RCE fee and the \$490.00 extension fee are being paid by credit card during the electronic filing procedure. However, in the event the amount paid is incorrect, the Director is authorized to charge any underpayment or credit any overpayment to **Deposit Account No. 160750** of the law firm of the undersigned attorney.

June 8, 2009
Date

/John S. Child, Jr./
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ELECTRONIC FILING
MAIL STOP — RCE
Commissioner for Patents
P.O. Box 1450
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**Amendment and Response
To United States Patent and Trademark Office
Examiner's Action Under 37 C.F.R. Section 1.111**

Dear Sir:

I. Introduction

Applicants' Amendment and Response is to an United States Patent and Trademark Office Examiner's Action dated January 7, 2009. In the Action, the Examiner set a shortened statutory period for Applicants' reply of three months, *i.e.*, by April 7, 2009. Applicants have requested an extension of time of two months, *i.e.*, to June 7, 2009. June 7, 2009, is a Sunday. Accordingly, Applicants' Amendment and Response is timely under 37 C.F.R. Section 1.7 as it is being filed electronically on Monday, June 8, 2009.

The Action is a Final Action. Accordingly, Applicants also submit a Request for Continued Examination, with the fee set forth in 37 C.F.R. Section 1.17(e). Under 37 C.F.R. Section 1.114(d), "If an applicant timely files a submission and fee set forth in Section 1.17(e), the Office will withdraw the finality of any Office Action and the submission will be entered and considered." For that reason, Applicants' Amendment and Response is properly captioned as being under 37 C.F.R. Section 1.111.